

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER OF:

RAFAEL O. DE LEÓN DÍAZ  
xxx-xx-4082  
WANDA I. FERNÁNDEZ ALEJANDRO  
xxx-xx-0123

DEBTOR(S)

CASE NO.: 10-04342 (ESL)

CHAPTER 13

**REPLY TO MOTION SUBMITTING EVIDENCE OF BEING CURRENT WITH  
FIRSTBANK**

TO THE HONORABLE COURT:

COMES NOW creditor **FIRSTBANK PUERTO RICO**, represented by the undersigned attorney and very respectfully states and prays:

1. On July 12<sup>th</sup>, 2010, FBPR filed a Motion Requesting Dismissal based on debtors' failure to keep current the post-petition installments owed on its secured claims.

2. After requesting an extension of time to deliver evidence of payments, on August 5<sup>th</sup>, 2010, debtors filed a Motion Submitting Evidence of Being Current with FirstBank, whereby they attached copy of several receipts of post-petition payments made on loan number 0003. (See, docket entry number 26). Regrettably, it seems they are confused.

3. As per claim number 7-1, FBPR has a secured claim, securing two (2) commercial loans, to wit: loan number 2292-3 and 2292-2. The Addendum to said claim details both loans. The pre-

petition arrears reflected in said claim corresponds to loan 2292-2.

4. The receipts they attached to their motion reflect payments on loan identified as "0003", which corresponds to loan number 2292-3. They are current on this loan.

5. However, that is not the case regarding loan number 2292-2. They have made two payments for the installments of May and June, 2010. The last payment on this loan was made on July 9<sup>th</sup>, 2010, in the sum of \$2,742.32 and corresponding to the installment of June, 2010. They have outstanding the installments for the months of July and August, 2010, for a total sum of \$5,484.64.

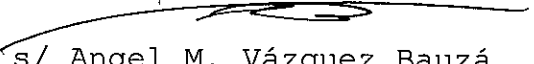
6. Debtors have failed to deliver evidence in support of their alleged valid affirmative defense of being current in the post-petition installments to FBPR. The evidence they have presented is not controverted by FBPR because does not correspond to FBPR's allegations. Therefore, it is respectfully requested from this Honorable Court to enter an Order dismissing the instant case.

**WHEREFORE**, it is respectfully requested from this Honorable Court to grant this Motion and to enter an Order dismissing the instant case.

I HEREBY CERTIFY: On this same date I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF

System which will send notification of such filing to the following: Attorney for Debtors, José M. Prieto Carballo, Esq; and to Chapter 13 Trustee, José Ramón Carrión Morales, Esq., and by ordinary mail to debtor and to all creditors and parties in interest appearing in the attached Master Address List.

In San Juan, Puerto Rico, this 5<sup>th</sup> day of August, 2010.

  
s/ Angel M. Vázquez Bauzá  
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Label Matrix for local noticing  
0104-3  
Case 10-04342-ESI13  
District of Puerto Rico  
Old San Juan  
Fri Aug 6 08:20:42 AST 2010

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